

## **SUNSHINE REFORM TASK FORCE MEETING MINUTES**

**Thursday, August 16, 2007  
6:00pm – 9:00pm**

**City Hall W118-119**

**Present:** Ed Rast, Strong Neighborhoods Initiative PAC; Ken Podgorsek, United Neighborhoods of SCC; Virginia Holtz, Willow Glen Neighborhood Assoc.; Joan Rivas-Cosby, Five Wounds/Brookwood Terrace Neighborhood Advisory Committee; Bobbie Fischler, League of Women Voters; Dan Pulcrano, Silicon Valley Leadership Group; Bob Brownstein, South Bay Labor Council; Bert Robinson, San José Mercury News; Nanci Williams, San José/Silicon Valley Chamber of Commerce; Edward Davis, Orrick Law Firm (Legal Counsel); Brenda Otey, At Large-Representative; Karl Hoffower, Citizens Commission on Human Rights; Trixie Johnson, Former Councilmember; Dave Zenker, Falls Creek Neighborhood Association; Judy Nadler, Markkula Center for Applied Ethics

**Absent:** Mary Ann Ruiz, Parks and Recreation Commission

**Staff:** Lee Price, City Clerk; Dottie Disher, Office of the City Clerk; Lisa Herrick, Senior Deputy City Attorney; Eva Terrazas, Office of the City Manager/Redevelopment Agency; Tom Manheim, Office of the City Manager.

### **I. Approval of the August 2, 2007 Meeting Minutes**

Task Force member Bert Robinson made a correction to the meeting minutes. Under Section VIII, page 4, the first sentence should read, “Task Force member Bert Robinson reported that the Public Records Subcommittee had met 4 times *since* June...”

**Upon a motion by Ken Podgorsek, seconded by Virginia Holtz, the August 2, 2007 meeting minutes were approved as amended with four abstentions, Dan Pulcrano, Nanci Williams, Bobbie Fischler, and Trixie Johnson (not yet appointed to the Task Force on 8/2/07).**

### **II. Comments from the Chair**

Chair Rast welcomed new representative Trixie Johnson to the Task Force. Ms. Johnson fills the Former Councilmember position formerly held by Margie Matthews.

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#### III. Review of Meeting Material

Staff provided an overview of the documents for the meeting. In addition, staff made the following announcements:

- The August 7, 2007 City Council meeting scheduled to consider the Sunshine Reform Task Force Report and Recommendations (Item 3.12) was deferred to the August 21, 2007 Council meeting, to be heard no earlier than 3:00 p.m.
- The Rules & Open Government Committee deferred the Cost-Benefit Analysis Pilot Program agenda item, which had been scheduled for the August 14, 2007 Council meeting, to the August 28, 2007 meeting, to be heard no earlier than 3:00 p.m.

#### IV. Public Records Subcommittee – Review and Decisions on Recommendations Regarding the “Process to Disclose Public Records”

Task Force member and Chair of the Public Records Subcommittee Bert Robinson noted weak points in the California Public Records Act (CPRA). Mr. Robinson summarized the document submitted by the Public Records Subcommittee as well as the Subcommittee’s goal to establish a clear process for requesting public records.

**Upon a motion by Bert Robinson, seconded by Karl Hoffower, the Task Force unanimously agreed to approve Section 2.1, Subsections A-F with additional referral of logging responses through technology to the Technology Subcommittee.**

**Upon a motion by Bert Robinson, seconded by Bobbie Fischler, the Task Force unanimously agreed to approve Section 2.1, Subsections G-H, with the following amendment to Subsection H: delete “...on an incremental or ‘rolling’ basis” the first sentence and replace with “*Documents shall be released as they become available.*”**

**Upon a motion by Bert Robinson, seconded by Bobbie Fischler, the Task Force unanimously agreed to approve Section 2.2, with an amendment to reflect the fact that response may actually come from the *City Attorney*.**

**Upon a motion by Bert Robinson, seconded by Bobbie Fischler, the Task Force unanimously agreed to approve Section 2.3, with an additional referral to the Technology Subcommittee of additional items in Section 2.3.C.**

Bert Robinson reviewed Section 2.4. Mr. Robinson explained that the Public Records Subcommittee has yet to determine the charge for responding to a request for public information that requires computer programming. However, it was noted that the section will include language requiring that individuals requesting information be informed of the potential cost prior to the cost being incurred.

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*Action Item: Lee Price will assist the Public Records Subcommittee by sending a survey on records fees to the Clerk's Association.*

Chair Rast noted Section 2.4 will be discussed at a later time.

#### V. Ethics & Conduct Subcommittee

##### A. Review of the Administration's Previous Work and Work Currently Underway Related to Ethics and Conduct

Staff provided an overview of the ethics and conduct laws and policies in effect in the City.

##### B. Define Expectations for Subcommittee's Work

The following provides a summary of SRTF members' remarks:

- Create a Code of Ethics and Conduct for the City; should be similar to the Sunshine model.
- Review referrals from the Blue Ribbon Task Force.
- Review referrals from the Reed Reforms.

#### VI. Technology Subcommittee

##### A. Overview of How Technology Can Enable Sunshine

Dan Pulcrano reviewed the goals, work plan, and recommendations of the Technology Subcommittee.

Chief Information Officer, Randy Murphy provided an update on technology's role in providing the public access to government. Regarding the subcommittee's recommendations, Mr. Murphy requested that the subcommittee identify what they want and why they want it, rather than trying to define how their goals should be achieved.

##### B. Define Expectations for Subcommittee's Work

Dan Pulcrano identified the expectations of the subcommittee's work, which is to support the City's effort to have documents available electronically and to manage them through an enterprise wide system.

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**Upon a motion by Dan Pulcrano, seconded by Karl Hoffower, the Task Force unanimously accepted the recommendation on page 3 of the August 16, 2006 Technology Subcommittee meeting document.**

VIII. Update of Phase II Work Plan Schedule

*Action Item: Staff to the Subcommittees will develop meeting calendars similar to that of the Public Records Subcommittee.*

IX. Upcoming Agenda & Work Plan

A. September 6, 2007 Meeting Agenda

The Task Force agreed to cancel the 9/6/07 Task Force meeting.

B. September 20, 2007 Meeting Agenda

The 9/20/07 agenda will be focused solely on Public Records (continued discussion from the February 24, 2007 special meeting on Law Enforcement Public Records).

X. Public Comment

None.

**Upon a motion by Ken Podgorsek, seconded by Judy Nadler, the Task Force adjourned the August 16, 2007 meeting at 9:09 p.m.**